

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CLERK
SO. DIST. OF GA.

WILLIAM DEGENHART, M.D.,)

Plaintiff,)

v.)

CASE NO. CV411-041

ARTHUR STATE BANK, THE)
DEGENHART LAW FIRM, PAUL)
DEGENHART, and MARY NELL)
DEGENHART,)


Defendants.)

O R D E R

Before the Court is Defendant Arthur State Bank's ("ASB") Motion for Certification of Dismissal Order as Final Judgment. (Doc. 58.) In the motion, Defendant ASB requests that the Court certify a final judgment in its favor based on the Court granting Defendant ASB's Motion to Dismiss. The general rule is that final judgment pursuant to Federal Rule of Civil Procedure 54(b) is proper only after the rights and liabilities of all parties to an action have been adjudicated. Ebrahimi v. City of Huntsville Bd. of Educ., 114 F.3d 162, 166 (11th Cir. 1997) (citing Hogan v. Consol. Rail Corp., 961 F.2d 1021, 1025 (2d Cir. 1992)). In addition, "Rule 54(b) certification 'must be reserved for the unusual case in which the costs and risks of multiplying the number of proceedings and of

overcrowding the appellate docket are outbalanced by pressing needs of the litigants for an early and separate judgment as to some claims or parties.' " Ebrahimi, 114 F.3d at 166 (quoting Morrison-Knudsen Co. v. Archer, 655 F.2d 962, 965 (9th Cir. 1981)). After careful review, the Court finds it unnecessary to depart from the general rule because Defendant ASB's need for a final judgment does not outweigh the costs and risks of multiple proceedings. As a result, the Court **DECLINES** to exercise its discretion and certify final judgment as to the dismissal Plaintiff's claims against Defendant ASB. Accordingly, Plaintiff's motion (Doc. 58) is **DENIED**.

SO ORDERED this 26th day of September 2012.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA